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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JUDGE BUCKLO

MAGISTRATE JUDGE SCHENKIER

UNITED STATES OF AMERICA

v.

BRIAN BERG

) No. 07 CR 856
)
)
)
)

Violations: Title 18, United
States Code, Sections 2422(b), 2252A(a)(2),
and 2252A(a)(5)

FILED

J.N. MAR 19 2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

COUNT ONE

The SPECIAL MARCH 2007 GRAND JURY charges:

From on or about May 30, 2007 and continuing to on or about November 11, 2007, at
Countryside, in the Northern District of Illinois, Eastern Division, and elsewhere,

BRIAN BERG,

defendant herein, using a facility and means of interstate and foreign commerce, did knowingly
attempt to persuade, induce, and entice "Carrie4u1991," whom defendant believed to be a female
minor who had not attained the age of 18 years, but who in fact was an undercover law enforcement
officer, to engage in sexual activity for which the defendant could be charged with a criminal
offense;

In violation of Title 18, United States Code, Section 2422(b).

COUNT TWO

The SPECIAL MARCH 2007 GRAND JURY further charges:

On or about June 24, 2007 at Palos Heights, in the Northern District of Illinois, Eastern Division, and elsewhere,

BRIAN BERG,

defendant herein, knowingly received an image of child pornography as defined in Title 18, United States Code, Section 2256(8)(A), namely, a computer image entitled "IMG_0685.jpg," that was shipped and transported in interstate commerce by any means, including by computer;

In violation of Title 18, United States Code, Section 2252A(a)(2).

COUNT THREE

The SPECIAL MARCH 2007 GRAND JURY further charges:

On or about June 24, 2007 at Palos Heights, in the Northern District of Illinois, Eastern Division, and elsewhere,

BRIAN BERG,

defendant herein, knowingly received an image of child pornography as defined in Title 18, United States Code, Section 2256(8)(A), namely, a computer image entitled "IMG_0684.jpg," that was shipped and transported in interstate commerce by any means, including by computer;

In violation of Title 18, United States Code, Section 2252A(a)(2).

COUNT FOUR

The SPECIAL MARCH 2007 GRAND JURY further charges:

On or about January 10, 2007 at Palos Heights, in the Northern District of Illinois, Eastern Division, and elsewhere,

BRIAN BERG,

defendant herein, knowingly received an image of child pornography as defined in Title 18, United States Code, Section 2256(8)(A), namely, a computer image entitled "IMG_0120.jpg," that was shipped and transported in interstate commerce by any means, including by computer;

In violation of Title 18, United States Code, Section 2252A(a)(2).

COUNT FIVE

The SPECIAL MARCH 2007 GRAND JURY further charges:

On or about January 10, 2007 at Palos Heights, in the Northern District of Illinois, Eastern Division, and elsewhere,

BRIAN BERG,

defendant herein, knowingly received an image of child pornography as defined in Title 18, United States Code, Section 2256(8)(A), namely, a computer image entitled "IMG_0121.jpg," that was shipped and transported in interstate commerce by any means, including by computer;

In violation of Title 18, United States Code, Section 2252A(a)(2).

COUNT SIX

The SPECIAL MARCH 2007 GRAND JURY further charges:

On or about October 5, 2007, at Palos Heights, in the Northern District of Illinois, Eastern Division, and elsewhere,

BRIAN BERG,

defendant herein, knowingly distributed an image of child pornography as defined in Title 18, United States Code, Section 2256(8)(A), namely, a computer image entitled "YGP220.tmp," that was shipped and transported in interstate commerce by any means, including by computer;

In violation of Title 18, United States Code, Section 2252A(a)(2).

COUNT SEVEN

The SPECIAL MARCH 2007 GRAND JURY further charges:

On or about September 30, 2007, at Palos Heights, in the Northern District of Illinois, Eastern Division, and elsewhere,

BRIAN BERG,

defendant herein, knowingly distributed an image of child pornography as defined in Title 18, United States Code, Section 2256(8)(A), namely, a computer image entitled "YGP205.tmp," that was shipped and transported in interstate commerce by any means, including by computer;

In violation of Title 18, United States Code, Section 2252A(a)(2).

COUNT EIGHT

The SPECIAL MARCH 2007 GRAND JURY further charges:

On or about November 11, 2007, at Palos Heights, in the Northern District of Illinois, Eastern Division, and elsewhere,

BRIAN BERG,

defendant herein, knowingly possessed material, namely, a computer disk, that contained images of child pornography as defined in Title 18, United States Code, Section 2256(8)(A), such images having been shipped and transported in interstate commerce by any means, including by computer, and such images having been produced using materials that had been shipped and transported in interstate and foreign commerce by any means;

In violation of Title 18, United States Code, Section 2252A(a)(5).

FORFEITURE ALLEGATION

The SPECIAL MARCH 2007 GRAND JURY further alleges:

1. The allegations of Counts One through Eight of this Indictment are realleged and incorporated by reference as if fully restated herein for the purpose of alleging forfeiture pursuant to the provisions of Title 18, United States Code, Sections 2253 and 2428.

2. As a result of his violations of Title 18, United States Code, Sections 2252A and 2422(b),

BRIAN BERG,

defendant herein, shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 2253 and 2428, any and all right, title and interest defendant has in any matter which contains visual depictions described in Title 18, United States Code, Section 2252A; and any and all property used or intended to be used in any manner or part to commit and to promote the commission of the said violations.

3. The interest of the defendant subject to forfeiture pursuant to Title 18, United States Code, Sections 2253 and 2428 include, but are not limited to, the following items:

- (a) seized personal computers including internal and external hard drives;
- (b) seized peripheral connecting cables and equipment;
- (c) seized computer disks, including compact disks, floppy disks, CD-ROM disks, and zip disks;
- (d) seized images, in whatever form including those stored on DVDs; and
- (e) seized cellular telephone and other mobile devices.

4. To the extent that the property described above as being subject to forfeiture

pursuant to Title 18, United States Code, Section 2253, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred to, sold to, or deposited with a third person;
- (c) has been placed beyond the jurisdiction with a third person;
- (d) has been substantially diminished in value;
- (e) has been commingled with other property that cannot be subdivided without difficulty;

the United States of America shall be entitled to forfeiture of substitute property under the provisions of Title 18, United States Code, Section 2253(0);

All pursuant to Title 18, United States Code, Section 2253.

A TRUE BILL:

FOREPERSON

UNITED STATES ATTORNEY